



Paper No. 6

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In re Application of
Mathur et al.
Application No. 10/045,464
Filed: November 8, 2001
Attorney Docket No. MED 719C

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: DECISION DISMISSING
: PETITION
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This is a decision on the petition filed June 6, 2002 (certificate of mailing June 3, 2002), requesting that the above-identified application be accorded a filing date of November 8, 2001, with Figure 8f as part of the original disclosure.

On November 8, 2001, applicants filed the above-identified application. On April 4, 2002, the Office of Initial Patent Examination mailed a Notice to File Corrected Application Papers, requiring the submission of substitute drawings in compliance with 37 CFR 1.84. The Notice further stated that Figure 8f described in the specification appeared to have been omitted.

On June 6, 2002 (certificate of mailing June 3, 2002), applicants filed the present petition, a \$130.00 petition fee, one (1) marked up sheet of drawings relabeling an unlabeled Figure as Figure 8f, and substitute drawings. Applicants explained that Figure 8f was included with the original application papers; however, due to a typographical error, it was not labeled as such.

It is obvious from the petition that no drawings were actually missing on November 8, 2001. Rather, the drawings of Figure 8f was simply unlabeled as a result of applicants' filing error. However, the Notice to File Corrected Application Paper mailed on April 4, 2002, was correct in stating that Figure 8f appeared to have been omitted. Therefore, the requirement to submit omitted Figure 8f set forth in the Notice was proper and will not be withdrawn.

Accordingly, the petition is dismissed.

The \$130.00 petition fee will not be refunded because the present petition was not necessitated by any error on the part of the United States Patent and Trademark Office.

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of November 8, 2001, using the 16 sheets of drawings filed on June 6, 2002, to correct the error in labeling of Figure 8f.

Any inquiries related to this decision should be directed to the undersigned at (703) 306-5589.

Christina Tartera Donnell

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